

Message Text

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PAGE 01 SINAI 00375 160842Z
ACTION SSM-05

INFO OCT-01 ISO-00 ONY-00 /006 W
-----037801 160843Z /11
P 160759Z FEB 78
FM USMISSION SINAI
TO SECSTATE WASHDC PRIORITY 3667

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FOR SSM ONLY

FOR KNAUF AND BISSON FROM PENDLETON

E.O. 11652: N/A
TAGS: OGEN
SUBJ: APPROVAL OF SUBCONTRACT FOR ROOFING

1. ROOF REPAIR SUBCONTRACT EXECUTED BY ESY FEBRUARY 15.
SUBCONTRACT START DATE IS TECHNICALLY ON OR BEFORE MARCH 1,
WITH COMPLETION IN 45 DAYS OR APRIL 15, WHICH EVER OCCURS FIRST.
FIRM FIXED PRICE IS DOLLARS 36,410. ESY NOW EXPECTS WORK TO
COMMENCE COMING SUNDAY OR MONDAY.
2. SUBSEQUENT TO SIGNING OF SUBCONTRACT, IT WAS PRESENTED TO
CONTRACTING OFFICER FOR CONSENT PURSUANT TO "SUBCONTRACTS" GENERAL
PROVISION. UPON REVIEW, SUBCONTRACT FOUND TO CONTAIN ADVANCE
PAYMENT PROVISION IN AMOUNT DOLLARS 12,000 FOR PROCUREMENT OF
SUPPLIES, MATERIALS, ACCOMMODATIONS AND INCIDENTAL EXPENSES
NEEDED TO COMMENCE WORK. ISRAELI SUBCONTRACTOR HAD REQUESTED
ABOUT DOLLARS 18,000 IN ADVANCE.
3. HAS BEEN POINTED OUT TO CONTRACTOR THAT CONTRACTING OFFICER
WARY OF ADVANCE PAYMENTS IN ABSENCE OF ADEQUATE SECURITY. HAVE
ASKED ESY TO NEGOTIATE SUBCONTRACT AMENDMENT PROVIDING FOR A
PARAMOUNT LIEN IN FAVOR OF ESY, ON BEHALF OF GOVERNMENT, ON

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PROPERTY ACQUIRED FOR SUBCONTRACT PERFORMANCE.

4. DO NOT HAVE AVAILABLE TEXT OF SECTION 635(B) OF THE FOREIGN
ASSISTANCE ACT OF 1961, AS AMENDED (FAA) OR SECTION 305 OF
FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT (FPASA) OF
1949, BOTH OF WHICH CITED IN AID PR-7-30, 410 ON ADVANCE PAYMENT.
TYPICALLY, REGULATIONS NOT PARTICULARLY HELPFUL. DO AID RULES

REQUIRE DETERMINATION IN ADVANCE THAT ADVANCE PAYMENTS ARE IN
PUBLIC INTEREST, AS DOES ASPR APP E-405 AND 10 U.18.C. 2307? IF SO,
MAY IT BE SIGNED BY CONTRACTING OFFICER OR OTHER OFFICIAL?

5. AID PR 7-30.410 IS AMBIGUOUS AS TO AUTHORITY TO BE CITED
WHEN RELYING ON SECTION 305 OF FPASA. SHOULD SECTION 635(B)
OF FAA BE CITED AS WELL?

6. IN THIS CASE, BELIEVE WE CAN REASONABLY DECLINE TTSSEEK
ADVICE OF AID CONTROLLER ON SUBJECT.

7. REQUEST YOUR OPINION ON ABOVE, AND ON WHETHER OR NOT WE ARE
OVERLY PURSUING THIS QUESTION.
ROBERTS

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NNN

Message Attributes

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Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
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Copy: SINGLE
Draft Date: 16 feb 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: N/A
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ISecure: 1
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Litigation Codes:
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Office: ACTION SSM
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Original Handling Restrictions: ONLY
Original Previous Classification: n/a
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Review Release Event: n/a
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Review Withdrawn Fields: n/a
SAS ID: 3571320
Secure: OPEN
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TAGS: OGEN
To: STATE
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